

move through the tracts, rather than chase after them through fields and woods. They also employ calls to retrieve dogs, so the dogs come to them rather than them chasing the dogs. Any disturbance would be temporary and should not lead to loss of migratory birds or their habitats.

Potential impacts to threatened and endangered species: The only federal-threatened species known to exist on the refuge is the sensitive joint-vetch, a plant with a very restricted range. It is only found in freshwater tidal marshes, usually along the edge of the marsh where it meets a stream or other habitat type. It is unlikely that this species will be encountered by either dogs or humans, but if it is, the impacts will be negligible as the plant will have set seeds and gone dormant by the hunting season. Some disturbance may even favor the plant as it is somewhat dependent on disturbance to set new seed.

Bald eagles were delisted as a threatened species in 2007, but remain a management focus for the refuge. We have no evidence to suggest that the temporary presence of dogs or permittees on the refuge will have negative effects on bald eagle nesting or roosting. If necessary to prevent disturbance, we will post sensitive bald eagle areas, such as nests and known roosts, as closed areas for dog retrieval purposes.

Potential impacts to wetlands: It is likely that dogs will enter refuge wetlands and cause minor trampling of wetland vegetation. Because this would occur during the dormant season for plants, the disturbance by dogs would not impact growth or productivity of wetland plants. It is less likely that persons retrieving dogs would enter wetlands, but it is a possibility. However, the result is much the same, as it would occur during the dormant season.

Potential impact to other fish and wildlife resources: We have reviewed literature on the effects of dogs, feral and hunting dogs, on white-tailed deer, rabbits, and raccoons (Sweeney et al. 1971, Marchinton et al. 1970, Corbett et al. 1971, Murphy et al. undated, Causey and Cude 1980, and Cantrell 1989). From this review, we have determined that the temporary presence of hunting dogs on the refuge during the fall is likely to cause deer, and possibly other wildlife, to move and perhaps temporarily leave their home range. However, there is no evidence to suggest that this level of disturbance would have an adverse impact on populations, nor is there evidence to suggest that direct mortality of healthy individual animals would occur from this level of disturbance.

Public Review and Comment: This determination was made available for a 30-day public review and comment period in conjunction with the release of the Draft Comprehensive Conservation Plan for the refuge.

Determination (check one below):

Use is Not Compatible

 X

Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility: The keys to continued compatibility of this program are compliance with the conditions of the special use permit, and strict enforcement of these conditions along with other refuge regulations. If these criteria are met, there should be no other stipulations necessary to ensure compatibility. We will continue to monitor the program and make necessary adjustments to ensure continued effectiveness and compatibility.

Justification

Hunting deer with pursuit dogs is a tradition on the Northern Neck and Middle Peninsula of Virginia where the Rappahannock River Valley National Wildlife Refuge is located. Hunting is one of the six

priority uses of the National Wildlife Refuge System, and is a traditional form of wildlife-dependent recreation supported by the Service. Public hunting is also one of the most efficient methods of maintaining the health and balance of deer populations. Refuge regulations prohibit free-roaming domestic animals, including dogs. To strictly enforce this regulation would eliminate a legal, traditional method of deer hunting on private lands surrounding the refuge. The refuge manager has the authority to issue special use permits, provided that the use is compatible with refuge purposes and the mission of the Refuge System. We have researched the potential impacts from the temporary presence of dogs, and persons retrieving dogs, during the State firearms hunting season and find that the impacts will not prevent the refuge from accomplishing its purposes.

Therefore, in accordance with 50 CFR 26.41, permitting dog owners or their surrogates to retrieve hunting dogs that have entered the Rappahannock River Valley National Wildlife Refuge during the regular State firearms season for deer hunting as described herein, will not materially interfere with, or detract from, the fulfillment of the National Wildlife Refuge System mission or the purposes for which the refuge was established.

Signature: Refuge Manager: Joseph F. McCauley 12/14/09
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Legé 12/21/2009
(Signature and Date)

Mandatory 10- year Re-evaluation Date: DECEMBER 21, 2019

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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Bicycling Off-road

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McCauleyDate: Dec 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. BettyDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **bicycling off-road** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated bicycling off road and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that bicycling off road has not met seven of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Bicycling off road on trails or cross country could cause damage to refuge soils and vegetation, as well as unacceptable levels of wildlife disturbance. It is not consistent with Service policy on secondary uses and is not consistent with any approved refuge management plan. Allowing bicycles on wildlife observation trails would likely divert future resources from accomplishing priority tasks and cause conflicts with priority public uses. We would have to spend more time and funding to repair ruts and tracks from bicycles and the trails are not wide enough to support bicycles and pedestrians and would be particularly problematic if wheelchairs were being used on the trails. As a means of transportation or exercise, bicycling in itself does not add to the understanding or appreciation of natural resources. However, as a means of access to refuge facilities, bicycling would not create any more disturbance than motorized vehicles, and therefore will not be prohibited on refuge roads.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the

more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Camping

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	✓	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McConleyDate: Dec. 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. RettigDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **camping** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated camping and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that camping has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Camping is not consistent with Service policy on secondary uses and would divert existing and future resources from accomplishing priority tasks. It also presents unacceptable levels of risk from the potential spread of campfires to wildfires. This use is also not consistent with any approved refuge management plan.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];

Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Dog Training and Field Trials

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McCauleyDate: Dec. 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. RettigDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **dog training and field trials** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated dog training and field trials and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that dog trials have not met six of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Dog training and field trials are inconsistent with Service policy on secondary uses and would divert existing and future resources from accomplishing priority tasks. They are not consistent with any approved refuge management plan. These activities would not contribute to a better understanding or appreciation of refuge resources and could interfere with other priority uses.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];

Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Horseback riding

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	✓	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McCauleyDate: Dec. 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. PettyDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **horseback riding** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated horseback riding and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that horseback riding has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Horseback riding is not consistent with Service policy on secondary uses and would divert existing and future resources from accomplishing priority tasks. It also presents unacceptable levels of risk from the potential spread of invasive species from horse droppings and could present conflicts with other refuge users. This use is not consistent with any approved refuge management plan.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];

Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Jogging Off-road

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McCauleyDate: Dec. 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. RettegDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **jogging off road** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated jogging off road and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that jogging off road has not met four of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Jogging is not consistent with Service policy on secondary uses and is not consistent with any approved refuge management plan. As a form of exercise, it does not contribute to a greater understanding or appreciation of natural resources. If we were to allow it on wildlife observation and interpretive trails, we believe it would cause conflicts with priority public uses. Jogging as a means of access to refuge facilities will be no more disturbing than vehicles or bicycles, and as such will not be prohibited on refuge roads.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Pets on Refuge Roads and Trails

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McRouleyDate: Dec 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. PettyDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of having pets on roads and trails as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated the use of having pets accompany visitors on roads and trails, and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that having pets on refuge roads and trails has not met six of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

There are two primary issues of concern regarding pets, primarily dogs, on refuge roads and trails. First is disturbance to wildlife from dogs that are let off leash to run free. Initially, pets on a hand-held leash were permitted on the refuge. However, our experience shows that dog owners in particular routinely disregard leash provisions and let their animals run free. As of 2007, most of our roads and trails are adjacent to managed grasslands. Grassland-dependent birds are particularly susceptible to disturbance from free-roaming pets. Current, and predicted, law enforcement staff is insufficient to curtail this illegal activity. Additionally, free-roaming dogs can interfere with the intended use of wildlife observation trails by flushing birds from areas immediately adjoining trails, preventing them from being observed by legitimate users of these trails. Unleashed dogs may also accost other visitors, and dog feces along trails is both unaesthetic and a safety hazard.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Picnicking

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McConleyDate: Dec 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. PettyDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **picnicking** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated picnicking and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that picnicking has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Picnicking, as a stand-alone activity, is not consistent with Service policy on secondary uses, nor is it consistent with any approved refuge management plan. Creation and maintenance of picnic areas would divert existing and future resources from accomplishing priority tasks. In itself, picnicking does not contribute to a better understanding or appreciation of refuge resources. While we will not provide facilities for picnicking or promote it as a stand-alone activity, we recognize that eating a snack or prepared meal in association with other permitted activities (such as fishing, hunting, and bird watching) can be essential to good health and safety and will not be prohibited.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Swimming / Sunbathing

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McCouleyDate: Dec 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. PettigDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **swimming/sunbathing** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated swimming/sunbathing and the refuge manager has determined that these uses are not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that swimming/sunbathing have not met three of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Swimming and sunbathing are not consistent with Service policy on secondary uses and are not consistent with any approved refuge management plan. They do not in themselves contribute to a better understanding or appreciation of refuge resources.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Use of All-terrain Vehicles

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McCauleyDate: Dec 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. PettitDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **all-terrain vehicle use** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated the use of all-terrain vehicles and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that the use of all-terrain vehicles has not met seven of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Use of all-terrain vehicles is not consistent with two executive orders, E.O. 11644 and E.O. 11989 which require that refuges promote safety, minimize conflicts among users, monitor effects of ATV use if allowed, and to close areas to ATV use if they will cause adverse effects on soil, vegetation, wildlife, habitat or cultural or historic resources. This use is not consistent with any approved refuge management plan and would divert existing and future resources from accomplishing priority tasks. We do not believe it would contribute to public appreciation or understanding of the refuge's resources and we believe it could cause conflicts with priority public uses.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWRUse: Use of Pursuit Dogs for Hunting

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?		✓
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		✓
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	✓	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ☐ No ☒

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ☒Appropriate ☐Refuge Manager: Joseph F. McConleyDate: Dec. 14, 2009

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Acting Refuge Supervisor: Virginia E. PettigDate: December 21, 2009

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319
02/06

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of use of pursuit dogs for hunting as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated use of pursuit dogs for hunting and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants, and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that use of pursuit dogs for hunting has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Free roaming dogs on refuge lands are prohibited by 50 CFR 26.21(b). Use of pursuit dogs for hunting, primarily deer hunting, is not consistent with certain criteria for a quality refuge recreational experience. The Service Manual (603 FW 1 and 605 FW 2) states that a quality recreational experience minimizes or eliminates conflicts with other compatible wildlife-dependent recreation, minimizes conflict with neighboring landowners, promotes accessibility and availability to a broad spectrum of the American people, and promotes stewardship and conservation. Free roaming dogs may jeopardize the safety of refuge visitors and staff, and may interfere with priority recreational uses, including still hunting for white-tailed deer. The use of pursuit dogs is not consistent with the approved refuge deer hunting plan.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

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